

## REMARKS

The above-noted Official Action mailed September 21, 2007 has been received and carefully studied.

In that Official Action, the Examiner rejected claim 1 as anticipated under 35 USC § 102 by **Sidebottom et al** (No. 1,493,770); and rejected claims 1 and 5 under 35 USC § 103(a) as unpatentable (obvious) over **Davis** (No. 5,577,271) in view of **Conk** (No. 6,342,290). Additionally, the Examiner has withdrawn from consideration, claims 17 and 18 as drawn to a non-elected invention.

In view of these actions by the Examiner, and solely to advance the prosecution of the application, applicant, by this Amendment, has amended claims 1 and 5 to more particularly point out his contribution over the references being relied upon, and further has canceled without prejudice claims 17 and 18.

With respect to claim 1, the only independent claim remaining under prosecution, this claim has been revised to specify that the unique camouflage pattern of the invention comprises plural images derived from a flying insect, that the flying insect is a moth or a butterfly, that the plural images comprise images "exclusively of the wings" of said moth or butterfly, and that the plural images are arranged in a mosaic

to form the camouflage pattern. Applicant is aware of no prior art that discloses or anticipates a camouflage pattern comprising a mosaic made of plural images of only the wings of a moth or butterfly! Only applicant has conceived this novel invention as disclosed and claimed in his application. The formation of a camouflage pattern comprising a mosaic of images exclusively of moth wings is not even remotely disclosed or suggested by **Sidebottom et al.** Rather this reference discloses merely a decorative pendant featuring a mat having an aperture that conforms to the shape or silhouette of a natural object such as a single butterfly, bird or flower. **Sidebottom et al** absolutely fails to disclose or even vaguely suggest a camouflage pattern, let alone a camouflage pattern comprising plural images exclusively of moth or butterfly wings arranged in a mosaic, as now set forth with particularity in claim 1, especially as amended herein. Accordingly, claim 1 is believed to clearly patentably distinguish over **Sidebottom et al**, and the Examiner's rejection under 35 USC § 102 based upon this reference should now be withdrawn forthwith.

The rejection of claim 1 under 35 USC § 103 as unpatentable over **Davis** in view of **Conk** is believed to be avoided for essentially the same reasons. Neither of these references teaches or suggests the novel camouflage pattern of claim 1, particularly as amended herein, whether these references are considered singly or together.

**Davis** relates merely to headgear for protecting an individual's head and face from invasion by insects. There is no discussion of camouflage patterns in this reference whatsoever and the Examiner's reliance on the reference to reject claim 1 is mystifying.

While **Conk** does discuss the formation of a camouflage pattern ... that pattern is entirely distinct from that disclosed and claimed by applicant. **Conk**'s pattern consists of the photographic images of features of a landscape superimposed in perspective. **Conk**'s pattern is made up exclusively of bushes, trees or shrubbery. **Conk** abjectly fails to disclose or suggest a camouflage pattern in the form of a mosaic made up exclusively of the plural images of moth or butterfly wings. Only applicant discloses and claims this unique camouflage pattern. Any conceivable combination of **Davis** and **Conk** therefore would not yield the camouflage pattern now defined in claim 1, as amended herein. Manifestly, for the above reasons, the Examiner has failed to make out a *prima facie* ground of rejection of claim 1 under 35 USC § 103 based upon **Davis** and **Conk**, and therefore this ground of rejection should also now be withdrawn.

Claim 5 depends from and further restricts claim 1. Because this dependent claim inherits the patentably distinct features of claim 1, as amended, it also is believed to avoid the rejection under § 103 over **Davis** in view of **Conk**, and

should also be allowed for at least the same reasons advanced above.

All outstanding grounds of rejection are believed to have been overcome by this Amendment. Hence, the application now is deemed to be in condition for immediate allowance containing allowed claims 1 and 5, and such favorable action earnestly is solicited.

\* \* \* \* \*

The Examiner is encouraged to telephone applicant Steve Johnson, Tel. No.: (423) 534-7792, to resolve any issues still present in the application and to expedite the prosecution of the application, should the Examiner believe such a telephone conference would be helpful.

Respectfully submitted,



Steve Johnson, applicant

### CERTIFICATE OF MAILING

I hereby certify that this Amendment Under 37 CFR § 1.112 is being deposited on March 21, 2008 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Signature: 

Date Signed: March 21, 2008